

**FIFTY-FOURTH DAY**

(Tuesday, April 16, 1957)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Martin
Ashley	Moffett
Bracewell	Moore
Bradshaw	Owen
Colson	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood
Lock	

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

**Reports of Standing Committees**

Senator Kazen submitted the following reports:

Austin, Texas,  
April 16, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred H. B. No. 389, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

KAZEN, Chairman.

Austin, Texas,  
April 16, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred H. B. No. 390, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

KAZEN, Chairman.

Austin, Texas,  
April 16, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred H. B. No. 614, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

KAZEN, Chairman.

Austin, Texas,  
April 16, 1957.

Hon. Ben Ramsey, President of the Senate:

Sir: We, your Committee on Game and Fish, to whom was referred H. B. No. 615, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

KAZEN, Chairman.

Austin, Texas,  
April 16, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred H. B. No. 616, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

KAZEN, Chairman.

Austin, Texas,  
April 16, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred H. B. No. 711, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

KAZEN, Chairman.

Austin, Texas,  
April 16, 1957.

Hon. Ben Ramsey, President of the Senate:

Sir: We, your Committee on Game and Fish, to whom was referred H. B. No. 718, have had the same under consideration, and we are instructed to report it back to the Senate with

the recommendation that it do pass and be printed.

KAZEN, Chairman.

Austin, Texas,  
April 16, 1957.

Hon. Ben. Ramsey, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred H. B. No. 768, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

KAZEN, Chairman.

Austin, Texas,  
April 16, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred H. B. No. 769, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

KAZEN, Chairman.

Austin, Texas,  
April 16, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred H. B. No. 770, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

KAZEN, Chairman.

Austin, Texas,  
April 16, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred H. B. No. 781, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

KAZEN, Chairman.

Austin, Texas,  
April 16, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred H. B. No. 893, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

KAZEN, Chairman.

Senator Colson submitted the following reports:

Austin, Texas,  
April 16, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Public Health, to whom was referred S. B. No. 104, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do not pass but that the Committee Substitute passed in lieu thereof do pass and be printed.

COLSON, Chairman.

C. S. S. B. No. 104 was read first time.

Austin, Texas,  
April 16, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Public Health, to whom was referred H. B. No. 392, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

COLSON, Chairman.

Senator Lane submitted the following reports:

Austin, Texas,  
April 16, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 6, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

LANE, Chairman.

Austin, Texas,  
April 16, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 445, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,  
April 16, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We your Committee on State Affairs, to whom was referred S. B. No. 428, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,  
April 16, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 296, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,  
April 16, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 444, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,  
April 16, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. C. R. No. 60, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,  
April 16, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 100, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,  
April 16, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 371, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,  
April 16, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We your Committee on State Affairs, to whom was referred H. B. No. 269, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,  
April 16, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 23, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,  
April 16, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 84, have had the same under consideration, and we are instructed

to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,  
April 16, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 189, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do not pass but that the Committee Substitute adopted in lieu thereof do pass and be printed.

LANE, Chairman.

C. S. S. B. No. 189 was read first time.

Austin, Texas,  
April 16, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 190, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do not pass but that the Committee Substitute adopted in lieu thereof do pass and be printed.

LANE, Chairman.

C. S. S. B. No. 190 was read first time.

Austin, Texas,  
April 16, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 312, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do not pass but that the Committee Substitute adopted in lieu thereof do pass and be printed.

LANE, Chairman.

C. S. S. B. No. 312 was read first time.

Senator Weinert submitted the following reports:

Austin, Texas,  
April 16, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to whom was referred H. B. No. 270, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas,  
April 16, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to whom was referred H. B. No. 33, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas,  
April 16, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to whom was referred S. C. R. No. 66, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas,  
April 16, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to whom was referred H. B. No. 716, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas,  
April 16, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to whom was referred S. B. No. 451, have had the same under consideration, and we are in-

structed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas,  
April 16, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to whom was referred S. B. No. 446, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas,  
April 16, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to whom was referred H. B. No. 295, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas,  
April 16, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to whom was referred H. B. No. 649, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas,  
April 16, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We your Committee on Jurisprudence, to whom was referred S. B. No. 311, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, with attached committee amendments, and be printed.

WEINERT, Chairman.

Austin, Texas,  
April 16, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to whom was referred H. B. No. 699, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do not pass and be not printed.

WEINERT, Chairman.

Senator Owen submitted the following reports:

Austin, Texas,  
April 16, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred S. B. No. 448, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

OWEN, Chairman.

Austin, Texas,  
April 16, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred S. B. No. 376, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

OWEN, Chairman.

Austin, Texas,  
April 16, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred H. B. No. 618, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

OWEN, Chairman.

Austin, Texas,  
April 16, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred S. B. No. 450, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

OWEN, Chairman.

Austin, Texas,  
April 16, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred S. B. No. 334, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

OWEN, Chairman.

Austin, Texas,  
April 16, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred H. B. No. 667, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

OWEN, Chairman.

Senator Parkhouse submitted the following report:

Austin, Texas,  
April 16, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Water and Conservation, to whom was referred S. B. No. 440, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PARKHOUSE, Chairman.

Senator Phillips submitted the following report:

Austin, Texas,  
April 16, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred H. J. R. No. 1, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do not pass, but that the committee substitute do pass, and be printed.

PHILLIPS, Chairman.

C. S. H. J. R. No. 1 was read first time.

Senator Martin submitted the following reports:

Austin, Texas,  
April 16, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Legislative, Congressional and Judicial Districts, to whom was referred H. B. No. 501, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MARTIN, Chairman.

Austin, Texas,  
April 16, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Legislative, Congressional and Judicial Districts, to whom was referred H. B. No. 820, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

MARTIN, Chairman.

#### Message from the House

Hall of the House of Representatives

Austin, Texas,  
April 16, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. B. No. 443, A bill to be entitled "An Act relating to the State Employees Retirement System, amending Acts of the 50th Legislature, Regular Session, 1947, Chapter 352, Section 5, by adding a new subsection to be known as J, providing that any member of the State Employees Retirement System who has accepted service retirement and is subsequently appointed by the Governor, with consent of the Senate, to a public office, and resumes public employment, shall not forfeit his rights as a retired State employee; etc.; and declaring an emergency."

Respectfully submitted,

DOROTHY HALLMAN,

Chief Clerk, House of Representatives

Senate Bill 453 on First Reading

Senator Hazlewood moved that

Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

## Yeas—31

Aikin	Martin
Ashley	Moffett
Bracewell	Moore
Bradshaw	Owen
Colson	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood
Lock	

The following bill was then introduced, read first time and referred to the Committee indicated:

By Senators Hazlewood and Smith:

S. B. No. 453, A bill to be entitled "An Act amending Chapter 243, Acts of the 53rd Legislature, Regular Session, 1953, so as to eliminate the present requirement that charges and rates for water furnished cities and towns of the District shall be uniform regardless of the distance from the source, and to provide that such charges and rates and any penalties to be imposed in connection therewith shall be fixed by unanimous vote of the District's Board of Directors; ratifying, confirming and validating (a) the District and its organization; (b) all acts and proceedings heretofore accomplished by its Board of Directors; (c) all elections heretofore held and bonds heretofore voted in the District; (d) all water supply contracts heretofore authorized and executed on behalf of the District; and declaring an emergency."

To the Committee on Water and Conservation.

## Senate Bill 454 on First Reading

Senator Parkhouse moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

## Yeas—31

Aikin	Martin
Ashley	Moffett
Bracewell	Moore
Bradshaw	Owen
Colson	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood
Lock	

The following bill was then introduced, read first time and referred to the Committee indicated:

By Senator Parkhouse:

S. B. No. 454, A bill to be entitled "An Act amending Article 5845, Revised Civil Statutes of Texas, as amended by Acts of 1949, 51st Legislature, page 1172, chapter 586, providing for hospitalization and medical and surgical care for members of the military forces of this State who shall be wounded, disabled, or injured, or who shall contract disease or illness in line of duty while in the service of this State, providing for transportation expenses incident thereto, providing for continuation of pay and allowances, providing for funeral expenses and accrued pay and allowances to be paid to the estate in the event of death, providing for administration by the Adjutant General under rules and regulations which he may prescribe, making an appropriation, providing for severability, repealing inconsistent provisions of other laws and declaring an emergency."

To the Committee on Finance.

## Senate Bill 455 on First Reading

Senator Fuller moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

## Yeas—31

Aikin	Martin
Ashley	Moffett
Bracewell	Moore
Bradshaw	Owen
Colson	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood
Lock	

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Fuller:

S. B. No. 455, A bill to be entitled "An Act creating a Conservation and Reclamation District to be known as the "Metropolitan Sanitary Sewer District of South Jefferson County"; said District to be comprised of the Cities of Port Arthur and Groves, and by the Towns of Griffing Park and Lakeview; and providing that the District shall collect and treat sanitary and industrial sewage created by the Member Municipalities of the District in order to prevent sewage pollution of the public waters and other waters within the District; and authorizing the issuance of bonds of the District secured by either the taxes, or revenues of the District, or both; enacting other provisions relating to this subject; containing a severability provision; and declaring an emergency."

To the Committee on Water and Conservation.

#### Message from the House

Hall of the House of Representatives  
Austin, Texas,  
April 16, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 193, A bill to be entitled "An Act to amend Section 8 of House Bill 308, Acts of the Fifty-fourth Legislature, Regular Session, 1955, Chapter 300, relating to the seizure

and forfeiture of vehicles used in connection with violations of the narcotics laws, providing for the disposition of such vehicles and the funds obtained from the sale thereof, authorizing the Department of Public Safety to retain for the use of the Narcotics Division those vehicles upon which no lien or mortgage existed, providing for the disposition of the proceeds of such vehicles when sold by the Department of Public Safety, making an appropriation and declaring an emergency."

H. B. No. 529, A bill to be entitled "An Act amending Article 483, Chapter 4, Revised Penal Code of the State of Texas, 1925, as amended by Acts 1951 by the 52nd Legislature making it unlawful to carry arms enumerating the arms so prohibited providing a penalty, therefor, and declaring an emergency."

Respectfully submitted,

DOROTHY HALLMAN,  
Chief Clerk, House of Representatives

#### Senate Resolution 374

Senator Moffett offered the following resolution:

Whereas, We are honored today to have in the gallery the Senior Class of the Megargel High School, Megargel, Archer County, Texas, accompanied by their Principal, Mr. J. E. Watson; and

Whereas, These students and guests are on an educational tour of the Capitol Building and Capital City; and

Whereas, This fine class of young American citizens are here to observe and learn firsthand the workings of their State Government; now, therefore, be it

Resolved, That we officially recognize and welcome this class and commend them for their interest, and that a copy of this resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Moffett by unanimous consent presented the students and Principal to the Members of the Senate.

#### Bills Signed

The President signed in the presence of the Senate after the caption



had been read, the following enrolled bills:

S. B. No. 184, A bill to be entitled "An Act prescribing the maximum salaries that may be paid certain precinct officials named in this Act; providing the method of fixing the salaries of these officials; etc., and declaring an emergency."

S. B. No. 443, A bill to be entitled "An Act relating to the State Employees Retirement System, amending Acts of the 50th Legislature, Regular Session, 1947, Chapter 352, Section 5, by adding a new subsection to be known as J, providing that any member of the State Employees Retirement System who has accepted service retirement and is subsequently appointed by the Governor, with consent of the Senate, to a public office, and resumes public employment, shall not forfeit his rights as a retired State employee; etc.; and declaring an emergency."

#### Senate Bill 450 Ordered Not Printed

On motion of Senator Phillips and by unanimous consent S. B. No. 450 was ordered not printed.

#### House Bill 660 Re-referred

On motion of Senator Lane and by unanimous consent H. B. No. 660 was withdrawn from the Committee on State Affairs and re-referred to the Committee on Counties, Cities and Towns.

#### Committee Substitute Senate Bill 379 on Second Reading

On motion of Senator Kazen and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C. S. S. B. No. 379, A bill to be entitled "An Act amending Subsection (g) and Subsection (n), of Section 1 Article XVII, Chapter 184, Acts of the Regular Session of the 47th Legislature, as amended, to redefine the term 'distributor' and the term 'first sale' of motor fuel; amending Section 5 of said article; amending Section 5 of said article by adding new provisions thereto authorizing distributors to make sales of motor fuel tax free to wholesale dealers and jobbers holding valid permits as distributors, who

purchase said motor fuel for taxable resale or distribution at wholesale; requiring taxes be collected and paid to this State on resales, etc., and declaring an emergency.

The bill was read second time.

Senator Kazen offered the following amendment to the bill:

Amend Committee Substitute for Senate Bill No. 379, by adding after Section 5 of said bill a new section to be numbered Section 6, and by renumbering all subsequent sections in said bill to read consecutively to the added section, which said new section shall read as follows:

Section 6. That Subsection (b) of Section 2, Article XVII of Chapter 184, Acts of the Regular Session of the Forty-seventh Legislature, as amended, (which is codified as Article 7065b-2(b), Vernon's Annotated Civil Statutes) be and the same is hereby amended to read hereafter as follows:

"Section 2.

"(b) Provided, that the tax on one and one-half per cent (1½%) of the taxable gallons of motor fuel sold or distributed in this State shall be allocated to the persons selling, distributing, or handling said motor fuel or the taxes collected thereon, which said allocation or allowance shall be deducted in the payment of said tax to the State of Texas in the following manner: The tax on one and one-half per cent (1½%) of said taxable gallonage shall be deducted by the distributor who refines, imports into, or produces motor fuel in Texas and makes the first taxable sale or distribution thereof; the tax on one and four-tenths per cent (14/10%) of said taxable gallonage shall be deducted by the distributor who purchases motor fuel tax free from another licensed distributor under authority issued by the Comptroller and makes a taxable resale or distribution thereof: and one-tenth (1/10) of one per cent (1%) of the tax collected upon the resale or distribution of motor fuel purchased tax free by a distributor shall be set aside in the State Treasury for use by the Comptroller as hereinafter provided.

"The above allocation or allowance shall be for ordinary evaporation and other handling losses, not provided for in Section 13 of this Article, from

the time of the first sale or distribution of motor fuel in this State until its ultimate delivery to the person using or consuming said motor fuel and for the expense of collecting, accounting for, reporting and handling such motor fuel and the taxes collected thereon, and shall be apportioned among all persons selling, distributing or handling motor fuel or the tax collected thereon in this State as follows:

"I. One-half ( $\frac{1}{2}$ ) of one per cent (1%) to the distributor who refines, imports into, or produces motor fuel in Texas and makes the first taxable sale or distribution of said motor fuel in this State.

"II. One-half ( $\frac{1}{2}$ ) of one per cent (1%) to the wholesaler or jobber who pays the tax to a distributor on motor fuel purchased for resale or distribution to retailers.

"III. One-half ( $\frac{1}{2}$ ) of one per cent (1%) to the retailer or other person making a sale or distribution of such motor fuel to the person using or consuming said motor fuel.

"IV. Provided that the tax on nine-tenths ( $\frac{9}{10}$ ) of one per cent (1%) of said taxable gallonage shall be apportioned to a distributor who performs functions both as a distributor and a wholesaler or jobber by paying over to the State of Texas taxes collected upon the resale or distribution of motor fuel which has been purchased tax free under authority issued by the Comptroller and thereafter resold or distributed at wholesale to retailers.

"V. One-tenth ( $\frac{1}{10}$ ) of one per cent (1%) of the taxes collected and paid over to the State upon the resale or distribution of motor fuel purchased tax free by a distributor under authority issued by the Comptroller shall be allocated to and set aside in the State Treasury for use by the Comptroller in the administration and enforcement of the provisions of this Article.

"In the distribution of motor fuel in this State if any person performs more than one (1) of the functions or activities referred to above (distributor, wholesaler or jobber, and retailer), then he shall be entitled to the apportionment or allowance for each such function or activity, subject to the limitations prescribed for each such function or activity, and provided that the aggregate allow-

ance shall never exceed the total amount authorized herein for all three functions or activities. Provided, further, if sales or distributions of motor fuel are made between wholesalers, jobbers, or distributors between the first sale made at the source of said motor fuel in Texas and its sale to the retailer, then the aggregate allowances shall never exceed one and one-half per cent ( $1\frac{1}{2}\%$ ).

"Nothing contained herein shall be construed as entitling any person using or consuming motor fuel in this State to any portion of said allocation or allowance.

"Pursuant to rules and regulations to be prescribed by the Comptroller the allocation or allowance hereinabove provided, shall be distributed to the persons entitled thereto as follows: (1) Every distributor who makes a first sale or distribution of motor fuel, to a wholesaler, jobber, or another distributor, upon which said first sale or distribution the tax is required to be collected and paid over to this State, shall, after setting out the tax separately on the manifest as required by this Article, deduct one per cent (1%) from the amount of such tax and the balance shall be the amount such distributor shall be entitled to collect from such purchaser, and (2) every wholesaler, jobber or distributor who makes a sale, resale, or distribution of motor fuel, upon which the tax is required to be collected, to a retailer of said motor fuel shall, after setting out the tax separately on the manifest as required by this Article, deduct one-half ( $\frac{1}{2}$ ) of one per cent (1%) from the amount of such tax and the balance shall be the amount such wholesaler, jobber or distributor shall be entitled to collect from such purchaser."

The amendment was adopted.

On motion of Senator Kazen and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

**Committee Substitute Senate Bill 379  
on Third Reading**

Senator Kazen moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that

C. S. S. B. No. 379 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—31**

Aikin	Martin
Ashley	Moffett
Bracewell	Moore
Bradshaw	Owen
Colson	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood
Lock	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

**Yeas—31**

Aikin	Martin
Ashley	Moffett
Bracewell	Moore
Bradshaw	Owen
Colson	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood
Lock	

**Senate Resolution 375**

Senator Gonzalez offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate South San Antonio Junior High, Bexar County, Texas, Social Studies, accompanied by their teachers and sponsors, Mrs. Anita Ahrens, Mrs. Sharp, Mr. Jordan, Mr. Kaiser; and

Whereas, These students are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine group of young American citizens is here to observe

and to learn at firsthand the workings of their State government; now, therefore, be it

Resolved, That we officially recognize and welcome these guests and commend them for their interest; and that a copy of this resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Gonzalez by unanimous consent presented the students, teachers and sponsors to the Members of the Senate.

**Senate Resolution 376**

Senator Kazen offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate The Eighth Grade of Benavides Grammar School, accompanied by their sponsors, Mrs. Lila Alaniz and Mr. Louis Spencer; and

Whereas, These students are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine group of young American citizens is here to observe and to learn at firsthand the workings of their State government; now, therefore, be it

Resolved, That we officially recognize and welcome these guests and commend them for their interest; and that a copy of this resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Kazen by unanimous consent presented the students and sponsors to the Members of the Senate.

**Senate Resolution 377**

Senator Bradshaw offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate, the members of the Junior and Senior Classes of Gorman High School, Gorman, Texas, who are listed as follows: Jimmy Bryan, Durwood Burgess, Johnny Paul Burns, Lawrence Cates, Glenda Clements, Burnett Eison, Sandra Files, LaJoyce Hamilton, John

Edward Kimble, Billy Kent, Jerry Overstreet, Freddie Rodgers, Nelda Robertson, Ted Snider, Linda Speck, Kenneth Watson, Janie Thompson, Troyat Underwood; Neoma Anderson, Anye Kate Blair, John Thomas Brown, Louise Brown, Eddie Browning, Wilda Carter, Martha Sue Clarke, Linda Cloninger, Marjorie Cozart, Barbara Ezzell, Eddie Gregg, Billy Ray Grisham, Larry Grice, Bennie Guy, Beth Hart, Brent Lasater, Edward Rodgers, Johnny Rodgers, Ruth Rodgers, Lester Seaton, Julia Beth Skaggs, Delbert Smith, Bobby Stanridge, Robert Wallace, Burl Gene Warren, Jerry Warren, Sandra West, Bettye Yarbrough, Jean Yarbrough; accompanied by their sponsor, Mrs. M. F. Allen; and

Whereas, These students are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine group of young American citizens is here to observe and learn at firsthand the workings of their State government; now, therefore, be it.

Resolved, That we officially recognize and welcome these guests and commend them for their interest; and that a copy of this resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Bradshaw by unanimous consent presented the students and sponsor to the Members of the Senate.

#### Senate Resolution 378

Senator Herring offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate the Provisional Class of the Austin Junior League; and

Whereas, We desire to welcome these distinguished visitors to the Capitol Building and Capital City; now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas and that they be extended the official welcome of the Senate.

The resolution was read and was adopted.

Senator Herring by unanimous consent presented the guests to the Members of the Senate.

#### Message from the House

Hall of the House of Representatives,  
Austin, Texas,  
April 16, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 60, Granting Highlander Gasoline Co. permission to sue the State of Texas.

H. C. R. No. 73, Requesting the Texas Legislative Council to undertake management studies of the Office of the Comptroller of Public Accounts and the Office of the State Treasurer to the end that they may function more efficiently.

H. C. R. No. 77, Requesting the Texas Legislative Council to undertake a comprehensive study of the State Parks System.

H. C. R. No. 80, Requesting the Texas Legislative Council to study the question of the State's providing adequate facilities for treatment of narcotic drug patients.

H. C. R. No. 82, Granting permission to W. A. Moser to sue the State.

H. C. R. No. 89, Suspending Joint Rules for the purpose of permitting the House to set a local and uncontested bill calendar for Wednesday, April 17, 1957.

H. B. No. 293, A bill to be entitled "An Act providing for the selection of jurors in capital criminal cases, under certain circumstances, amending Article 591 of the Code of Criminal Procedure of Texas, 1925, as amended, and Article 601-A, Code of Criminal Procedure of Texas, 1925, as amended by S. B. 397, Acts of the 44th Legislature, Regular Session, 1937, Chapter 241, as amended by H. B. 857, Acts of the 51st Legislature, Regular Session, 1949, Chapter 623; providing a repealing clause; providing a severability clause; and declaring an emergency."

Respectfully submitted,

DOROTHY HALLMAN,  
Chief Clerk, House of Representatives

#### Senate Resolution 379

Senator Herring offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate the 4th grade class of the 12th Street Elementary School in Taylor, Williamson County, Texas, accompanied by their teacher, Mrs. W. B. Nowlin; and

Whereas, These students are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine group of young American citizens is here to observe and to learn at firsthand the workings of their State government; now, therefore, be it

Resolved, That we officially recognize and welcome these guests and commend them for their interest; and that a copy of this resolution, properly endorsed, bearing the official seal of the Senate, be mailed to their class in recognition of their visit.

The resolution was read and was adopted.

Senator Herring by unanimous consent presented the students and Mrs. Nowlin to the Members of the Senate.

(Senator Martin in the Chair.)

#### Senate Bill 60 on Second Reading

Senator Fly asked unanimous consent to suspend the regular order of business and take up S. B. No. 60 for consideration at this time.

There was objection.

Senator Fly then moved to suspend the regular order of business and take up S. B. No. 60 for consideration at this time.

The motion prevailed by the following vote:

#### Yeas—21

Aikin	Lock
Bracewell	Moffett
Bradshaw	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Secrest
Hazlewood	Smith
Herring	Willis
Hudson	Wood
Lane	

#### Nays—8

Ashley	Martin
Krueger	Moore

Owen	Rogers
Roberts	Weinert

Absent

Colson	Kazen
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(President in the Chair.)

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 60, A bill to be entitled "An Act regulating the practice of professional engineering in this State; amending Chapter 404, Acts of the 45th Legislature, Regular Session, 1937, which is codified as Article 3271a in the Revised Civil Statutes of the State of Texas, revising certain provisions, deleting certain provisions, and adding certain provisions relating to the subject matter of the Act; and declaring an emergency."

The bill was read second time.

Senator Fly offered the following committee amendment to the bill:

Amend Senate Bill number sixty (60) by striking out all the provisions following the enacting clause, and inserting in lieu thereof, the following:

Section 1. Chapter 404, Acts of the 45th Legislature, Regular Session, 1937, is hereby amended to read as follows:

"Section 1. Practice of Engineering Subject to Regulation. In order to safeguard life, health and property and to promote the public welfare, it is hereby declared that any person practicing or offering to practice the profession of engineering shall submit evidence that he is qualified so to practice and shall be registered as provided in this Act and that it is unlawful for any person to practice or offer to practice the profession of engineering or to represent himself in any way to be an engineer or to be engaged in the practice of engineering, such as by oral statement, sign, letterhead, card, or telephone or other directory, unless he is either duly registered under this Act or is exempted by this Act from registration.

"Section 2. Definitions. In this Act, unless the context otherwise requires:

"(a) 'Board' means the State Board of Registration for Professional Engineers provided for by this Act.

"(b) 'Professional Engineer' means

an individual who is engaged or who holds himself out as being engaged in the practice of engineering.

"(c) 'Registered professional engineer' means a professional engineer who holds a current and valid certificate of registration from the State Board of Registration for Professional Engineers.

"(d) 'Practice of engineering' means that performance of any professional services requiring the application and interpretation of engineering principles and data such as consultation, investigation, evaluation, planning, design or responsible supervision of construction, in connection with the development, production, or functioning of any public or private utility, structure, building, machine, equipment, process, works, project, apparatus or facility, wherein the public welfare, or the safeguarding of life, health or property is concerned or involved. The practice of engineering includes but is not limited to the practice of civil engineering, mechanical engineering, electrical engineering, mining engineering, chemical engineering, architectural engineering, ceramic engineering, industrial engineering, metallurgical engineering, petroleum and natural gas engineering, sanitary engineering, structural engineering, agricultural engineering, geological engineering, textile engineering, and aeronautical engineering."

"(e) 'Person' means natural person and does not include a corporation or other legal entity.

"Section 3. Board of Registration—Appointment of Members—Terms. A State Board of Registration for Professional Engineers is established whose duty it is to administer the provisions of this Act. The Board shall consist of six registered professional engineers who shall be appointed by the Governor, with the advice and consent of the Senate, for a term of six years. The persons who are members of the Board at the time this Act takes effect shall serve the terms for which they were appointed; every two years the Governor shall appoint two members to the Board. Before entering upon the duties of his office, each member of the Board shall take the constitutional oath of office and shall file it with the Secretary of State. A member of the Board may be appointed to succeed himself.

"Section 4. Qualifications of Members of Board. Each member of the Board shall be a citizen of the United States and resident of this State for a period of ten years prior to his appointment, and shall have been engaged in the practice of engineering for at least ten years, two years of which may be credited for graduation from an approved engineering school or college, and shall have been a registered professional for at least five years. Responsible charge of engineering teaching may be construed as the practice of engineering.

"Section 5. Compensation and Expenses of Board Members. Each member of the Board shall receive the sum of Twenty-five Dollars per day for each day he is actually engaged in the duties of his office, including time spent in necessary travel, together with all legitimate expenses incurred in the performance of his duties. All per diem and expenses incurred hereunder shall be paid from the 'Professional Engineers' Fund' as provided in this law. No money shall ever be paid for the administration of this Act from the General Revenue Fund.

"Section 6. Removal of Members of Board—Vacancies. The Governor may remove any member of the Board for misconduct, incompetency, or neglect of duty. Vacancies in the membership of the Board shall be filled for the unexpired term by appointment by the Governor as provided in this Act.

"Section 7. Organization and Meetings of the Board. The Board shall hold at least two regular meetings each year. Special meetings shall be held at such times as the by-laws may provide. Reasonable notice of all meetings shall be given in such manner as the by-laws may provide. The Board shall elect annually the following officers: A chairman and a vice chairman who must be members of the Board, and a secretary who may or may not be a member of the Board. A quorum of the Board is not less than four members.

"Section 8. Powers of the Board.

"(a) In addition to the powers and duties granted the Board by other provisions of this Act, the Board shall have the power to make all by-laws and rules, not inconsistent with the Constitution and laws of this State, which are reasonably necessary for the proper performance of its duties and regulation of proceedings

before it. The Board shall adopt and have an official seal.

"(b) In order to qualify for registration with or without examination, the Board shall approve or disapprove curricula in engineering and the schools or colleges which offer these curricula both within and without the state. In determining whether to approve or disapprove a curriculum in engineering or a school or college, the Board may take into account the quality of the education and experience of the faculty, the quality of instruction, the adequacy of the laboratories, shops, classrooms and other teaching facilities and the size of the classes. The Board may also take into account the ratings published by recognized accrediting agencies.

"Section 9. Receipts and Disbursements. The Secretary of the Board shall receive and account for all moneys derived under the provisions of this Act, and shall pay the same weekly to the State Treasurer who shall keep such moneys in a separate fund to be known as the 'Professional Engineers' Fund.' Such fund shall be paid out only by warrant of the State Comptroller upon the State Treasurer, upon itemized vouchers, approved by the Chairman and attested by the Secretary of the Board. The Secretary of the Board shall give a surety bond to the Governor of the State of Texas in the sum of Two Thousand Five Hundred (\$2,500.00) Dollars. The premium on said bond shall be paid out of the 'Professional Engineers' Fund.' The Secretary of the Board shall receive such salary as the Board shall determine and in addition, if a member of the Board, shall receive the compensation and expenses provided in this Act.

The Board shall employ such clerical or other assistants as are necessary for the proper performance of its work, and may make expenditures of this fund for any purpose which in the opinion of the Board is reasonably necessary for the proper performance of its duties under this Act. Under no circumstances shall the total amount of warrants issued by the State Comptroller in payment of the expenses and compensation provided for in this Act exceed the amount of the 'Professional Engineers' Fund.' Provided further, that the salaries paid herein shall not be in excess of salaries paid for similar work in other departments.

#### "Section 10. Records and Reports.

"(a) The Board shall keep a record of its proceedings and a register of all applications for registration, which register shall show (a) the name, age and residence of each applicant; (b) the date of application; (c) the place of business of the applicant; (d) his educational and other qualifications; (e) whether or not an examination was required; (f) whether the applicant was rejected; (g) whether certificate of registration was granted; (h) the date of the action of the Board; and (i) such other information as may be deemed necessary by the Board.

"(b) The records of the Board shall be available to the public at all times and shall be prima facie evidence of the proceedings of the Board set forth therein, and a transcript thereof, duly certified by the Secretary of the Board under seal, shall be admissible in evidence with the same force and effect as if the original were produced.

"(c) Annually, as of August 31st, the Board shall submit to the Governor a report of its transactions of the preceding year, and shall also transmit to him a complete statement of the receipts and expenditures of the Board, attested by affidavits of its Chairman and its Secretary.

"Section 11. Roster of Registered Engineers. During the month of July of each year, the Secretary of the Board shall prepare a roster showing the names and addresses of all registered professional engineers. The roster shall be arranged alphabetically and geographically. The Board shall mail copies of the roster to each person so registered and certified, shall place a copy on file with the Secretary of State and shall furnish copies to the public upon request.

"Section 12. Qualifications of Applicant for Registration by Examination. An applicant is qualified to take the examination for registration as a professional engineer if he is of good moral character and reputation, and

"(a) If he was graduated from an approved curriculum in engineering of four or more years in a school or college approved by the Board as of satisfactory standing and he has a specific record of an additional four or more years of experience in engineering work of a character satisfactory to the board, under the supervision of a registered professional engineer or a similarly qualified engi-

neer, indicating that he is competent to be placed in responsible charge of engineering work; or

"(b) If he has a specific record of ten or more years of experience in engineering work of a character satisfactory to the board, under the supervision of a registered professional engineer or a similarly qualified engineer, indicating that he is competent to be placed in responsible charge of engineering work.

"Section 13. Consideration of Qualifications.

"(a) In considering the qualifications of applicants for registration with or without examination or for certification, the following rules shall apply: Responsible charge of engineering teaching may be construed as engineering work. The satisfactory completion of each year of an approved curriculum in engineering in a school or college approved by the Board as of satisfactory standing, without graduation, shall be considered as equivalent to a year of experience in engineering work. Graduation from a college or university in a curriculum in engineering not approved by the Board may be considered as the equivalent of four years of experience in engineering work. Graduation from a college or university of recognized standing in a curriculum other than engineering may be considered as equivalent to two years of experience in engineering work.

"(b) Any person having the necessary qualifications prescribed in this Act to entitle him to registration is eligible for registration though he may not be practicing at the time he makes his application.

"Section 14. Examination of Applicants for Registration. The Board shall administer examinations to qualified applicants for registration at such times and places as shall be designated by the Board. The Board shall prescribe the scope, content and form of the examination. At least a part of the examination shall be in writing. The Board shall design the examination so that it tests the applicant's knowledge of engineering principles and his ability to apply this knowledge to practice of engineering so as to insure the safety of life, health and property. The applicant who has been certified as an Engineer-in-Training need not take the part of the examination which deals

with fundamental engineering theory and practice. An applicant who fails an examination may apply for re-examination at the expiration of six months from the date of his previous examination. If he remains a qualified applicant, he may be re-examined at the first or second regular examination thereafter upon payment of the re-examination fee.

"Section 15. Registration.

"(a) A qualified applicant for registration who has successfully passed the examination prescribed by the Board and has paid the fee shall be registered by the Board as a professional engineer.

"(b) A person may, in the discretion of the Board, upon application to the Board and payment of the fee, be registered as a professional engineer.

"(1) if he is at least forty years of age,

"(2) if he has a specific record of twenty or more years of active practice in engineering work of a character satisfactory to the Board indicating that he is competent to be placed in responsible charge of such work,

"(3) if he is of good moral character and reputation, and

"(4) if he has never been rejected for registration in Texas, or in any other state or territory, and has never had his license revoked or nullified.

"(c) The Board may, upon application therefor, and the payment of the fee, issue a certificate of registration as a professional engineer to any person who holds a certificate of qualification or registration issued to him by proper authority of the National Council of State Boards of Engineering Examiners, or of the National Bureau of Engineering Registration, or of any State or Territory or possession of the United States, or any country, provided that the requirements for the registration of professional engineers under which the certificate of qualification or registration was issued do not conflict with the provisions of this Act and his qualifications are of a standard not lower than those specified in this Act.

"(d) Until July 1, 1963, a person may, upon application to the Board and payment of the fee, be registered as a professional engineer without examination if he was graduated from an approved curriculum in engineering of four or more years in



a recognized school or college, approved by the Board as of satisfactory standing, and if he has a specific record of an additional four or more years of experience in engineering work of a satisfactory character, indicating that he is competent to be placed in responsible charge of engineering work, and if he is of good moral character and reputation.

"(e) Any person who was registered as a professional engineer under Chapter 404, Acts of the 45th Legislature, Regular Session, 1937, and has not had his registration revoked is a registered professional engineer for purposes of this Act; however, he, like other registrants, must pay the annual renewal fee called for by this Act to continue his status as a registered professional engineer.

"Section 16. Applications. Applications for registration shall be on forms prescribed and furnished by the Board, shall contain statements made under oath showing the applicant's education and a detailed summary of his technical work, and shall contain not less than five references, of whom three or more shall be professional engineers having personal knowledge of the applicant's engineering experience.

"Section 17. Application and Registration Fees. The registration fee for a professional engineer is Twenty-Five Dollars, Fifteen Dollars of which shall accompany the application and the remaining Ten Dollars of which shall be paid upon issuance of the certificate of registration. However, where an applicant is registered without examination upon presentation of a certificate of qualification or registration issued to him by the National Council of State Board of Engineering Examiners, the National Bureau of Engineering Registration or the proper authority of any state or territory of the United States or any Country, the registration fee is Ten Dollars. The fee for certification of an engineer-in-training is Ten Dollars. The fee for re-examination for registration of an engineer or an engineer-in-training is Ten Dollars. The fee for the issuance of a certificate of registration or certificate issued to replace one which was lost, destroyed, mutilated or revoked is Three Dollars; the fee shall accompany the application for the replacement certificate.

"Section 18. Qualifications for Certification of Engineers-in-Training.

An applicant is qualified to take the examination for certification as an Engineer-in-Training if he is of good moral character and reputation, and

"(a) if he was graduated from an approved curriculum in engineering of four or more years in a school or college approved by the Board as of satisfactory standing; or

"(b) if he has a specific record of six or more years of experience in engineering work of a satisfactory character under the supervision of a registered professional engineer or a similarly qualified engineer.

"Section 19. Examination of Applicants for Certification. The Board shall administer examinations to qualified applicants for certification as engineers-in-training at such times and places as shall be designated by the Board. Upon statement by the dean of the applicant's school or college that the applicant is a candidate for an engineering degree, the Board may, in its discretion, administer the examination to an applicant before he has been awarded his engineering degree and during the applicant's senior year. The Board shall prescribe the scope, content and form of the examination. At least a part of the examination shall be in writing. The Board shall design the examination so that it tests the applicant's knowledge of fundamental engineering theory and practice. An applicant who fails an examination may apply for re-examination at the expiration of six months from the date of his previous examination. If he remains a qualified applicant, he may be re-examined at the first or second regular examination thereafter upon payment of the re-examination fee.

"Section 20. Certification of Engineers-in-Training. A qualified applicant for certification who has successfully passed the examination prescribed by the Board shall be certified as an engineer-in-training. The certificate expires six years from the date of its issuance. No person is required to be certified as an engineer-in-training; however, only a person who has been certified under this Act may represent himself to be an engineer-in-training. Certification as an Engineer-in-Training constitutes notice of intention to apply for registration as a professional engineer when qualified and does not constitute a license to practice engineering.

**"Section 21. Certificates—Seals.**

"(a) The Board shall issue a certificate of registration upon payment of registration fee as provided for in this Act, to any applicant, who, in the opinion of the Board, has satisfactorily met all the requirements of this Act. In case of a registered professional engineer, the certificate shall authorize the practice of professional engineering. Certificates of registration and of certification shall show the full name of the registrant, shall have a serial number, and shall be signed by the Chairman and the Secretary of the Board under seal of the Board. The issuance of a certificate of registration by this Board shall be evidence that the person named therein is entitled to all rights and privileges of a registered professional engineer, while the certificate remains unrevoked or unexpired.

"(b) Each person registered under this Act as a professional engineer shall upon registration obtain a seal of the design authorized by the Board, bearing the registrant's name and the legend 'Registered Profession Engineer.' Plans, specifications, plats and reports issued by a registrant shall be signed by him and stamped with this seal during the life of the registrant's certificate. No person may stamp or seal any document with the seal after the certificate of the registrant named thereon has expired or has been revoked, unless the certificate has been renewed or reissued.

**"Section 22. Expiration and Renewal.** Certificates of registration expire on December 31st following their issuance or renewal and are invalid thereafter unless renewed. The Secretary of the Board shall notify every person registered under this Act of the date of the expiration of the certificate and the amount of the fee that is required for its renewal for one year; this notice shall be mailed at least one month in advance of the date of the expiration of the certificate. Renewal may be made at any time during December by the payment of a fee of Five Dollars. The failure on the part of any registrant to renew his certificate annually in the month of December as required above does not deprive him of the right of renewal, but the fee to be paid for the renewal of a certificate after the month of December shall be increased ten per cent for each month or frac-

tion of a month that renewal payment is delayed; however, the maximum fee for delayed renewal shall not exceed twice the normal renewal fee.

**"Section 23. Firms, Partnerships, Joint Stock Associations and Corporations.**

"(a) No corporation shall be granted a license under this Act. A corporation may practice or offer to practice engineering in this State.

"(b) A firm, association, partnership or corporation may engage in the practice of engineering in this State if the practice of engineering as engaged in is done under the supervision of a registered professional engineer.

**"Section 24. Public Work—Public Employment.**

"(a) It shall be unlawful for this State, or for any of its agencies, or for any county, city, town or other political subdivision to engage in the construction of any public work involving professional engineering unless the engineering plans, specifications and cost estimates have been prepared by, and the engineering construction is executed under, the direct supervision of a registered professional engineer, provided, that nothing in this act shall be held to apply to any public work wherein the contemplated expenditure for the completed project does not exceed Three Thousand (\$3,000.00) Dollars.

"(b) After January 1, 1958, no county, city, town, village or any other political subdivision of this State may employ or pay any salary or other compensation to a person to occupy the post or discharge the duties of county engineer, city engineer, or district engineer, unless the person is a registered professional engineer. However, this shall not prevent a political subdivision from continuing to employ and pay a person to occupy any of the above enumerated posts where the person was so employed at the time this Act took effect.

"(c) Any professional engineer registered under this Act is eligible to hold any appointive engineering position with the State of Texas.

**"Section 25. Exemptions.** This Act shall not apply to the following:

"(a) A person not a resident of and having no established place of business in this State, practicing or offering to practice here the profession of engineering, when such practice does not exceed in the aggregate more than sixty days in a calendar year, provid-

ed such person is registered to practice engineering in his own state or country in which the requirements and qualifications for obtaining a certificate of registration are not lower than those specified in this Act, and further providing that such person notify the Board of his intent to so practice.

"(b) A person not a resident of and having no established place of business in this State, or who has recently become a resident thereof, practicing or offering to practice herein for more than sixty days in any calendar year the profession of engineering, if he has filed with the Board an application for a certificate of registration and has paid the fee required by this Act, provided this person is legally qualified to practice engineering in his own state or country in which the requirements and qualifications for obtaining a certificate of registration are not lower than those specified in this Act. This exemption shall continue only for such time as the Board requires for the consideration of the application for registration.

"(c) An employee or subordinate of a registered professional engineer. However, the employee or subordinate may not take responsible charge of design or supervision.

"(d) Officers and employees of the Government of the United States, while engaged within this State in the practice of engineering on projects for the Government.

"(e) Nothing in this Act shall be construed to apply to a person, firm, partnership, joint stock association or corporation doing the actual work or technical supervision of installing, operating, repairing, or servicing locomotive or stationary engines, steam boiler, Diesel engines, internal combustion engines, refrigeration compressors and systems, hoisting engines electrical engines, air conditioning equipment and systems, or mechanical and electrical equipment and apparatus; nor shall this Act be construed to prevent any citizen from identifying himself in the name and trade of any engineers' labor organization with which he may be affiliated. However, nothing in this Act shall be construed as permitting any person other than a registered professional engineer to affix his signature or seal as such to engineering plans, specifications or estimates.

"(f) A person, firm, partnership, joint stock association or corporation,

performing services of consultation, investigation or evaluation in connection with; preparing plans and specifications for; supervising erection, enlargement, repair or alteration of; any of the following buildings:

"(1) Dwellings used as the residence of four or less families and outbuildings in connection therewith, such as barns and private garages;

"(2) Buildings used exclusively for agricultural purposes;

"(3) Buildings containing ten thousand (10,000) square feet, or less, of floor space.

"(g) A firm, partnership, joint stock association or corporation may provide such engineering services as are involved in its operations and functions, provided such engineering service is performed by or under the supervision of a Registered Professional Engineer. All plans, designs, drawings, specifications or reports involving engineering judgment and discretion, unless otherwise exempted under this Act, shall bear the seal and signature of the Registered Professional Engineer responsible for such work.

"(h) A County commissioner in his official capacity when engaged in any road maintenance or betterment work undertaken by the County Commissioners Court which does not require structural design to insure the safety thereof.

"Section 26. Canons of Ethical Practices. The Board may prepare and publish Canons of Ethical Practice. These canons shall state the responsibility of the professional engineer to his client, his employer, his colleagues in the profession, members of related and other professions and callings and the public. These canons shall take into account that the practice of engineering is a profession and shall be designed to enjoin the professional engineer to give his highest loyalty to the public interest.

"Section 27. Suspensions, Revocations and Reissuance of Certificates—Reprimands.

"(a) The Board may revoke the certificate of registration of any registrant who is found guilty of:

"(1) The practice of any fraud or deceit in obtaining a certificate of registration.

"(2) Any gross negligence or incompetency in the practice of engi-

neering as a registered professional engineer.

"(3) Any crime involving moral turpitude of the grade of felony as defined by the laws of this State.

"(b) The Board may suspend the certificate of registration of any registrant for a period not to exceed one year if found guilty of misconduct in the practice of professional engineering.

"(c) The Board may either revoke or suspend the certification of an Engineer-in-Training who is found guilty of:

"(1) The practice of any fraud or deceit in obtaining his certification;

"(2) Conviction of any crime involving moral turpitude of the grade of felony; or

"(3) Un-professional conduct in his work as an engineer-in-training.

"(d) In determining any such charges the Board shall proceed upon sworn information furnished it by any reliable resident of this State; such information shall be in writing and shall be duly verified by the person familiar with the facts therein charged, and three copies of the same shall be filed with the Secretary of the Board. Upon receipt of such information the Board, if it deems the information sufficient to support further action on its part, shall make an order setting the charges therein contained for hearing at a specified time and place, and the Secretary of the Board shall cause a copy of the Board's order and of the information to be served upon the accused at least thirty days before the date appointed in the order for the hearing. The accused may appear in person or by counsel, or both, at the time and place named in the order and make his defense to the same. If the accused fails or refuses to appear, the Board may proceed to hear and determine the charges in his absence. If the accused pleads guilty, or upon a hearing of the charges the Board and a majority of its members shall find them to be true, it may enter an order suspending or revoking the certificate of registration of the registered or the certification of the engineer-in-training or may issue a public or private reprimand of the registered professional engineer or of the engineer-in-training.

"(e) The Board may, through its Chairman, administer oaths and compel the attendance of witnesses upon whom process is served anywhere

within the State before it as in civil cases in the district court by subpoena issued over the signature of the Secretary and seal of the Board.

"(f) If the accused desires the evidence to be preserved and shall so inform the Board before the hearing is begun and shall deposit with the Board such a sum of money as the Board may deem reasonably necessary for the employment of a stenographer, then the Board shall employ such stenographer and when so employed he shall be the official stenographer of the Board for the purpose of reporting the evidence and the proceedings of the Board.

"(g) When the Board has completed its hearing it shall make a record of its findings and order and shall cause a certified copy thereof to be forwarded to the accused.

"(h) Any person who may feel himself aggrieved by reason of the suspension or revocation of his certificate of registration or the certification or reprimand by the Board may file suit within thirty days after receiving notice of the Board's order suspending or revoking his certificate of registration or the certification or of reprimand in the district court of the county of his residence, or of the county in which the alleged offense relied upon as grounds for suspension or revocation took place, to annul or vacate the order of the Board suspending or revoking the certificate of registration or the certification or reprimanding him. The suit shall be filed against the Board as defendant, and service of process may be had upon its Chairman or Secretary. The suit shall be tried as other civil cases, the burden of proof devolving upon the plaintiff assailing the order of suspension, revocation, or reprimand.

"(i) For reasons it deems sufficient and upon a vote of four or more of its members, the Board may restore a registration or certification which has been revoked, reduce the period of suspension of a registration or certification or withdraw a reprimand. Where it is proper, the Board shall issue a certificate of registration or certification to replace any certificate, lost, revoked, destroyed or mutilated upon application therefor and payment of the fee.

"Section 28. Enforcement.

"(a) The Attorney General and the county and district attorneys shall enforce the penal provisions of this

Act. The Board shall aid in the enforcement of this Act. Any member of the Board may present to a prosecuting officer complaints relating to violations of any of the provisions of this Act. The Board, through its members, officers, counsel and agents, shall assist the prosecuting officer in the trial of any cases involving alleged violation of this Act.

"(b) All officers and employees of any city, town, village, county or other political subdivision in this State charged with the enforcement of laws, ordinances, or regulations relating to the practice of engineering shall, on the request of the Board, assist the Board in the enforcement of this Act.

"(c) The Board, or the Attorney General, or any district or county attorney, or any registered professional engineer is entitled to apply to the district court in the county in which a violation of this Act is alleged to have occurred or in Travis County for an order enjoining or restraining commission or continuance of the acts complained of. Thereupon the court shall have jurisdiction of the proceeding and shall have power to grant such temporary relief or restraining order, without bond, as it deems just and proper. In any such proceedings, it is unnecessary to allege or prove that an adequate remedy at law does not exist or that irreparable injury would result if the order were not granted. The remedy provided by this section is in addition to any other remedy provided by law.

"(d) The Board may appoint investigators for the purpose of collecting information necessary for enforcing the provisions of this Act and they shall be compensated out of the Professional Engineer's Fund.

"(e) When in the judgment of the Attorney General it is desirable and reasonably necessary, the Attorney General may employ a special assistant attorney general, upon consultation with the Board, to aid in the enforcement of this Act. These special assistant attorneys general shall be compensated from the Professional Engineers' Fund; provided that due appropriation be made for such compensation.

"Section 29. Violations and Penalties. Any person who practices, or offers to practice, the profession of engineering in this State without being registered or exempted in accordance

with the provisions of this Act, or any person presenting or attempting to use as his own the certificate of registration or the seal of another, or any person who gives any false or forged evidence of any kind to the Board or to any member thereof in obtaining a certificate of registration, or any person who violates any of the provisions of this Act, shall be fined not less than One Hundred (100) Dollars nor more than Five Hundred (500) Dollars or be confined in jail for a period of not exceeding three months, or both. Each day of such violation shall be a separate offense. It shall be a violation of this Act subject to the same penalty; for any registered professional engineer to aid or abet knowingly any person or persons in circumventing the provision of this Act.

"Section 30. Nothing in this Act shall prevent any Registered Architect or Registered Public Land Surveyor or any other person legally licensed under the laws of Texas from performing the services which he is licensed to perform. However, he may not represent himself to be a professional engineer or a registered professional engineer unless he is registered under this Act.

Section 2. Severability Clause. If any provision of this Act or the application thereof to any person or circumstance is held invalid, this invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared severable.

Section 3. Savings Clause. The repeal of any law by this Act shall not affect or impair any act done or right, obligation or penalty existing or accrued under the authority of the law repealed; and such law shall be treated as still remaining in force for the purpose of sustaining any proper action concerning any such act, right, obligation or penalty.

Section 4. Emergency Clause. The fact that the present law regulating the practice of professional engineering is deficient in many respects and that the corrective measures incorporated in this Act should be put into force as soon as practicable creates an emergency and an imperative public necessity; therefore, the constitutional rule requiring bills to be read on three several days in each House

is suspended, and this Act shall take effect January 1, 1958.

The committee amendment was read.

Senator Fly offered the following amendment to the committee amendment:

Amend Committee Amendment No. 1 to Senate Bill sixty (60) by adding to Section thirty (30) the following sentence:

"Nothing in this Act shall authorize or permit a registered professional engineer to perform the services of public surveying as defined by Acts 54th Leg., 1955, Reg. Sess., Chap. 328, p. 864 (compiled as Vernon's Tex. Civ. Stat. Art. 5282a), unless he is also a Registered Public Surveyor.

The amendment to the committee amendment was read.

On motion of Senator Fly and by unanimous consent the amendment to the committee amendment was withdrawn.

Senator Martin offered the following amendment to the committee amendment:

Amend Amendment No. 1 by adding another subsection to Section 25 to read as follows:

"Nothing in this Act shall apply to a person who constructs, repairs or improves cotton gins or buildings used in connection therewith.

The amendment to the committee amendment was adopted.

Senator Bracewell offered the following amendment to the committee amendment:

Amend S. B. 60 by adding a new subsection in Section 25 to be known as subsection (i) to read as follows:

"i. Nothing in this Act shall apply to the construction of buildings to be used exclusively as churches or houses of worship."

The amendment to the committee amendment was adopted.

Senator Moffett offered the following amendment to the committee amendment:

Amend committee amendment No. 1 to S. B. No. 60, line 14 of page 18, printed bill, by striking out the words and figures "ten thousand (10,000)"

and inserting in lieu thereof the words and figures "fifteen thousand (15,000)."

The amendment to the committee amendment was adopted.

Senator Secrest offered the following amendment to the committee amendment:

Amend committee amendment No. 1 to Senate Bill 60 by adding to Section 30 the following sentence:

Nothing in this Act shall prevent a registered professional engineer from performing the services of public surveying as defined by Acts 54th Leg., 1955, Reg. Sess., Chapter 328, p. 864 (compiled as Vernon's Tex. Civ. Stat., Art. 5282a), and he shall not be required to register as a Registered Public Surveyor to perform said service of public surveying.

The amendment to the committee amendment was adopted.

(President Pro Tempore in the Chair.)

Senator Krueger offered the following amendment to the committee amendment:

Amend subsection (h) of Sec. 25 of S. B. 60 by striking out all of the words after the words County Commissioners Court.

The amendment to the amendment was read.

Senator Fly moved to table the amendment.

Yeas and nays were demanded.

The motion to table was lost by the following vote:

#### Yeas—13

Aikin	Ratliff
Fly	Reagan
Gonzalez	Secrest
Hazlewood	Smith
Lock	Willis
Parkhouse	Wood
Phillips	

#### Nays—16

Ashley	Lane
Bracewell	Martin
Bradshaw	Moffett
Fuller	Moore
Hardeman	Owen
Herring	Roberts
Hudson	Rogers
Krueger	Weinert

**Absent**

Colson                      Kazen

Question recurring on the amendment to the committee amendment, the amendment was adopted.

Senator Lane offered the following amendment to the committee amendment:

Amend S. B. 60 by adding a new section to read as follows:

"The provisions of this Act shall not apply to houses or structures used in the poultry industry."

The amendment to the committee amendment was adopted.

(President in the Chair.)

Senator Ashley offered the following amendment to the committee amendment:

Amend S. B. No. 60 by striking out all of Section 24.

The amendment to the committee amendment was read.

Senator Fly moved to table the amendment.

The motion to table prevailed by the following vote:

**Yeas—15**

Mr. President	Parkhouse
Aikin	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Smith
Hardeman	Willis
Hazlewood	Wood
Lock	

**Nays—14**

Ashley	Moffett
Bracewell	Moore
Bradshaw	Owen
Herring	Roberts
Krueger	Rogers
Lane	Secrest
Martin	Weinert

**Absent**

Colson                      Kazen  
Hudson

The President announced he voted "Yea."

Question — Shall the committee amendment to S. B. No. 60 be adopted?

**Senate Resolution 380**

Senator Gonzalez offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate. Peter G. Garcia and Herbert Guest; and

Whereas, We desire to welcome these distinguished visitors to the Capitol Building and Capital City; now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas and that they be extended the official welcome of the Senate.

The resolution was read and was adopted.

Senator Gonzalez by unanimous consent presented the distinguished guests to the Members of the Senate.

**Special Notice**

Senator Aikin gave notice that he would on tomorrow move to suspend the necessary rules to take up for consideration H. J. R. no 1.

**House Bill on First Reading**

The following bill received from the House was read the first time and referred to the committee indicated:

H. B. No. 507, To the Committee on Jurisprudence.

**Recess**

On motion of Senator Hardeman the Senate at 12:10 o'clock p.m. took recess until 2:30 o'clock p.m. today.

**After Recess**

The President called the Senate to order at 2:30 o'clock p.m. today.

**Message From the Governor**

The following message received from the Governor today was read and was filed with the Secretary of the Senate:

Austin, Texas,  
April 15, 1957.

To the Members of the Fifty-fifth Legislature:

Complying with the request contained in Senate Concurrent Resolution No. 63, I am returning herewith to the Senate, Senate Bill No. 94.

Respectfully submitted,  
PRICE DANIEL,  
Governor of Texas.

**House Bills and Resolutions on First Reading**

The following bills and resolutions received from the House, were read the first time and referred to the committees indicated:

H. B. No. 529, To Committee on Jurisprudence.

H. B. No. 531, To Committee on Water and Conservation.

H. B. No. 193, To Committee on Jurisprudence.

H. B. No. 758, To Committee on State Affairs.

H. B. No. 623, To Committee on Game and Fish.

H. B. No. 253, To Committee on Education.

H. B. No. 878, To Committee on Counties, Cities and Towns.

H. B. No. 681, To Committee on Jurisprudence.

H. B. No. 680, To Committee on Jurisprudence.

H. B. No. 738, To Committee on Counties, Cities and Towns.

H. B. No. 482, To Committee on Insurance.

H. B. No. 736, To Committee on Counties, Cities and Towns.

H. B. No. 293, To Committee on Jurisprudence.

H. C. R. No. 82, To Committee on Jurisprudence.

H. C. R. No. 60, To Committee on Jurisprudence.

H. B. No. 843, To Committee on Counties, Cities and Towns.

H. B. No. 874, To Committee on Counties, Cities and Towns.

H. B. No. 654, To Committee on Counties, Cities and Towns.

H. B. No. 659, To Committee on Counties, Cities and Towns.

H. B. No. 697, To Committee on Legislative, Congressional and Judicial Districts.

H. B. No. 773, To Committee on Jurisprudence.

H. B. No. 171, To Committee on Counties, Cities and Towns.

H. B. No. 530, To Committee on State Affairs.

H. B. No. 517, To Committee on State Affairs.

H. B. No. 577, To Committee on State Affairs.

H. B. No. 467, To Committee on Counties, Cities and Towns.

H. B. No. 326, To Committee on Finance.

**Senate Resolution 381**

Senator Moffett by unanimous consent offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate Judge J. O. Rouse, Mrs. D. J. Brewer and Mr. and Mrs. W. N. (Ben) Martin, all prominent citizens of Vernon, Texas; and

Whereas, We desire to welcome these distinguished guests to the Capitol Building and Capital City; now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas and that they be extended an official welcome.

The resolution was read and was adopted.

**Senate Bill 60 on Second Reading**

The President laid before the Senate as pending business S. B. No. 60 on its second reading with committee amendment as amended pending.

Question—Shall the committee amendment to S. B. No. 60 as amended be adopted?

The committee amendment as amended was adopted.

**Record of Vote**

Senators Krueger and Rogers asked to be recorded as voting "nay" on the adoption of the above amendment.

On motion of Senator Fly and by unanimous consent the caption was amended to conform to the body of the bill as amended.

Senator Reagan offered the following amendment to the bill:



Amend S. B. 60 by adding a subsection to Section 25 to read as follows:

"The provisions of this act shall not apply to pipelines, storage plants or related petroleum transportation or storage facilities."

The amendment was read.

Question on adoption of the amendment, yeas and nays were demanded.

The amendment was adopted by the following vote:

**Yeas—18**

Ashley	Martin
Bradshaw	Moffett
Fuller	Owen
Hardeman	Ratliff
Hazlewood	Reagan
Hudson	Roberts
Kazen	Rogers
Krueger	Willis
Lane	Wood

**Nays—10**

Aikin	Parkhouse
Fly	Phillips
Gonzalez	Secrest
Herring	Smith
Lock	Weinert

**Absent**

Bracewell	Moore
Colson	

On motion of Senator Fly S. B. No. 60 was Laid on the Table.

**Record of Vote**

Senator Phillips asked to be recorded as voting "nay" on the above motion.

**Report of Standing Committee**

Senator Weinert, by unanimous consent, submitted the following report:

Austin, Texas,  
April 16, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to whom was referred H. B. No. 507, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

**Senate Bill 24 on Second Reading**

Senator Willis asked unanimous consent to suspend the regular order of business and take up S. B. No. 24 for consideration at this time.

There was objection.

Senator Willis then moved to suspend the regular order of business and take up S. B. No. 24 for consideration at this time.

The motion prevailed by the following vote:

**Yeas—24**

Aikin	Owen
Bradshaw	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hazlewood	Roberts
Herring	Rogers
Hudson	Secrest
Kazen	Smith
Krueger	Weinert
Lock	Willis
Moffett	Wood

**Nays—4**

Ashley	Lane
Hardeman	Martin

**Absent**

Bracewell	Moore
Colson	

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 24, A bill to be entitled "An Act concerning the management, control, and disposition by a married woman of her separate property, both real and personal, including her right to contract and be contracted with and to sue and be sued; amending Articles 4614, 4616, 4623, 4617, 4618, and 1984, Revised Civil Statutes, 1925, as amended; providing a savings clause; etc.; and declaring an emergency."

The bill was read second time.

Senator Lane offered the following amendment to the bill:

Amend Senate Bill No. 24 by striking therefrom Sections 1 and 8 and substituting in lieu thereof the following:

"Section 1. Article 4614, Revised Civil Statutes of Texas, 1925, as amended by Acts of 1929, 41st Legislature, page 66, Chapter 32, Section 1 is hereby amended so as hereafter to read as follows:

'Art. 4614. Wife's separate property.—(a) All property of the wife, both real and personal, owned or claimed by her before marriage, and that acquired afterward, by gift, devise, or descent, as also the increase of all lands thus acquired, is the separate property of the wife.

(b) The wife shall, if she be 21 years of age or above and so elects as provided in subsection (d), have the sole management, control, and disposition of her separate property both real and personal; and in connection therewith, she may, in her own name, contract and be contracted with, sue and be sued without the joinder of her husband, and her coverture shall not be a defense in any suit or action based on such contracts. Such of her separate property as is not exempt under the laws of Texas in such case shall be subject to forced sale for the payment of her debts. The community property of the husband and wife, with the exception of the wife's personal earnings and the revenue from her separate property, shall never be subject to the payment of debts contracted by the wife except for those contracted for necessities furnished herself and children.

(c) If the wife shall not elect to have sole management, control, and disposition of her separate property, the joinder of the husband shall be necessary to the incumbrance or conveyance by the wife of her lands, and the joint signature of the husband and wife shall be necessary to a transfer of stocks and bonds belonging to her or of which she may be given control by this law.

(d) A married woman 21 years of age or over may file with the county clerk of the county of which she is a resident a duly acknowledged statement that she thereby elects to have sole management, control, and disposition of her separate property. From and after the date of filing of such statement, which shall be recorded by the county clerk in the deed records of said county, such married woman shall have the full authority to deal with her separate property as set forth in subsection (b) and the

limitation upon such authority contained in subsection (c) shall not thereafter apply.'

"Sec. 8. Repealing clause. All laws or parts of laws in conflict with this Act are repealed or modified to the extent of such conflict only."

The amendment was read.

Question on the adoption of the amendment, Yeas and Nays were demanded.

The amendment was adopted by the following vote:

Yeas—18

Aikin	Martin
Ashley	Moffett
Bracewell	Moore
Bradshaw	Owen
Fly	Roberts
Herring	Rogers
Krueger	Secrest
Lane	Weinert
Lock	Wood

Nays—13

Colson	Parkhouse
Fuller	Phillips
Gonzalez	Ratliff
Hardeman	Reagan
Hazlewood	Smith
Hudson	Willis
Kazen	

(President Pro Tempore in the Chair.)

Senator Martin offered the following amendment to the bill:

Amend S. B. 24 by striking out Section 5 and renumbering the other sections.

The amendment was read.

(Pending discussion of the amendment by Senator Martin the President Pro Tempore occupied the Chair temporarily.)

(President in the Chair.)

The amendment was adopted by the following vote:

Yeas—16

Aikin	Herring
Ashley	Krueger
Bracewell	Lane
Bradshaw	Lock
Fly	Martin
Hardeman	Roberts

Secrest  
Smith

Weinert  
Wood

**Nays—15**

Colson	Owen
Fuller	Parkhouse
Gonzalez	Phillips
Hazlewood	Ratliff
Hudson	Reagan
Kazen	Rogers
Moffett	Willis
Moore	

Senator Lane offered the following amendment to the bill:

Amend S. B. No. 24 by striking out all of Section 6 of said bill, and renumbering the sections to conform.

The amendment was read.

Question on the amendment, Yeas and Nays were demanded.

The amendment was adopted by the following vote:

**Yeas—20**

Aikin	Lane
Ashley	Lock
Bracewell	Martin
Bradshaw	Moffett
Colson	Owen
Fly	Reagan
Hardeman	Roberts
Hazlewood	Smith
Herring	Weinert
Krueger	Wood

**Nays—10**

Fuller	Parkhouse
Gonzalez	Phillips
Hudson	Ratliff
Kazen	Secrest
Moore	Willis

**Absent**

Rogers

On motion of Senator Willis and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

**Senate Bill 24 on Third Reading**

Senator Willis moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that Senate Bill No. 24 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—28**

Aikin	Martin
Ashley	Moffett
Bracewell	Moore
Colson	Owen
Fly	Parkhouse
Fuller	Phillips
Gonzalez	Ratliff
Hazlewood	Reagan
Herring	Roberts
Hudson	Secrest
Kazen	Smith
Krueger	Weinert
Lane	Willis
Lock	Wood

**Nays—2**

Bradshaw                      Hardeman

**Absent**

Rogers

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

**Senate Bill 407 on Third Reading**

Senator Krueger asked unanimous consent to suspend the regular order of business and take up S. B. No. 407 for consideration at this time.

There was objection.

Senator Krueger then moved to suspend the regular order of business and take up S. B. No. 407 for consideration at this time.

The motion prevailed by the following vote:

**Yeas—21**

Aikin	Martin
Ashley	Moffett
Bracewell	Moore
Bradshaw	Parkhouse
Colson	Ratliff
Fly	Reagan
Hardeman	Secrest
Hazlewood	Smith
Krueger	Weinert
Lane	Wood
Lock	

**Nays—10**

Fuller                      Gonzalez

Herring  
Hudson  
Kazen  
Owen

Phillips  
Roberts  
Rogers  
Willis

The President laid before the Senate on its third reading and final passage the following bill:

S. B. No. 407, A bill to be entitled "An Act to amend the subject matter embraced in Section 4 of the Act, as amended (Senate Bill No. 5, Chapter 482, General and Special Laws of the Forty-fourth Legislature, Third Called Session, 1936, as amended), prescribing benefit eligibility conditions by providing for a waiting period week in addition to the eligibility conditions presently prescribed; etc.; and declaring an emergency."

The bill was read third time and was passed.

#### Record of Votes

Senators Herring, Phillips, Owen, Willis, Kazen, Roberts, Hudson, Fuller, Gonzalez and Rogers asked to be recorded as voting "Nay" on the final passage of S. B. No. 407.

#### Senate Bill 285 on Second Reading

On motion of Senator Herring and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 285, A bill to be entitled "An Act relating to ex officio road commissioners; amending Article 6762, which is House Bill 250, Chapter CXIV, General and Special Laws, 27th Legislature, 1901, p. 277, so as to cover ex officio commissioners in counties of 35,000 inhabitants or more."

The bill was read second time and passed to engrossment.

#### Senate Bill 285 on Third Reading

Senator Herring moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that Senate Bill No. 285 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—25

Aikin	Lock
Ashley	Moffett
Bracewell	Moore
Bradshaw	Owen
Colson	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hazlewood	Secrest
Herring	Smith
Kazen	Weinert
Krueger	Willis
Lane	

#### Nays—4

Hudson	Roberts
Martin	Rogers

#### Absent

Hardeman	Wood
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The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

#### Yeas—26

Aikin	Lane
Ashley	Lock
Bracewell	Moffett
Bradshaw	Moore
Colson	Owen
Fly	Parkhouse
Fuller	Phillips
Gonzalez	Ratliff
Hazlewood	Reagan
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis

#### Nays—3

Martin	Rogers
Roberts	

#### Absent

Hardeman	Wood
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#### Senate Bill 55 on Second Reading

On motion of Senator Smith and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 55, A bill to be entitled "An Act defining the duties of public

officers in regard to the publication of statements and notices providing for forfeiture of salary and removal from office for violation thereof and providing for procedure therefor; repealing Chapter 337, Acts 51st Legislature, Regular Session; declaring the provisions of the Act to be severable; and declaring an emergency."

The bill was read second time.

Senator Smith offered the following committee amendment to the bill:

Amend Senate Bill No. 55 by striking out all below the enacting clause and inserting in lieu thereof the following:

Section 1. Whenever any constitutional provision, statute, charter, ordinance, rule, or order requires the publication of any statement or any form of notice or makes the validity or force of any prior or subsequent action which has been taken or authorized by the proper individual, officer, or agency depend upon the publication of any form of notice, it shall be the duty of the officer charged with that responsibility to cause the publication to be made. Any officer of the State or any agency thereof or of a county, city, school district, or any other political subdivision or public agency who refuses or wilfully neglects to make such publication shall be guilty of nonfeasance of office and subject to forfeiture of salary for the month in which such failure occurs. Such officer shall be subject to removal from office upon wilful continuance of such neglect of duty.

Sec. 2. Unless the constitutional provision, statute, ordinance, rule or order otherwise directs, the following officers are charged with the duty of causing publication to be made:

a. For a state department, agency, or institution, the administrative head of the department, agency, or institution; for a state board, the secretary of the board if there is one, and if not, the chairman or presiding officer of the board.

b. For a county commissioners' court, the county clerk shall cause such publication as ordered by such commissioners' court. Responsibility for failure to authorize such publication in a commissioners' court shall rest with the commissioners who refuse to authorize such publication.

c. For a city council or other city governing body, the city manager,

city secretary or city clerk shall cause such publication as ordered by such city council or other city governing body. Responsibility for failure to authorize such publication in a city council or other city governing body shall rest with the members of the city council or members of the other governing body who refuse to authorize such publication.

d. For a school district or other political subdivision, the secretary of the governing board if there is one, and if not, the chairman or presiding officer of the governing board shall cause such publication as ordered by the school district or other political subdivision. Responsibility for failure to authorize such publication in a school district or other political subdivision shall rest with the members of the governing board who refuse to authorize such publication.

Sec. 3. Actions brought under this Act shall be conducted in the name of the State of Texas. Suits for forfeiture of salary and to enjoin or recover payment thereof shall be instituted in the district court of the county in which the offending officer resides or maintains his office. Judgment for recovery of salary shall order repayment to the fund from which the salary was paid.

The suit shall be commenced by the filing of a petition by the county or district attorney of the county where the petition is filed or by a citizen who has resided for six months in the State and in the county, city or political subdivision of which the offending individual is an officer. It shall be the duty of the county or district attorney (whichever officer has the duty in that county of representing the State in felony actions) to prosecute all such suits. If the judge of the court in which suit is pending finds that the county or district attorney is not prosecuting the suit with due diligence, he may in his discretion permit other counsel to prosecute the suit. The authority having control of the funds from which the officer's salary is payable may pay the appointed counsel a reasonable attorney's fee for his services. If it is shown to the court that he is not to receive a fee from that source, the court shall allow him a reasonable fee out of any salary payments which are enjoined or recovered, the amount of the fee to be stated in the judgment. The judgment shall be sufficient authority for the is-

suance of a warrant or warrants against the fund from which the offending officer's salary is paid, but no warrant shall be issued in excess of the amount enjoined or actually collected under the judgment.

Venue of suits brought under this act shall be in the county where the alleged offense occurs.

Sec. 4. Proceedings for removal of an officer under this Act shall be instituted and conducted in the same manner as provided by law for removal of the offending officer for other causes. Except where an exclusive method of removal is provided by the Constitution of this State, all state officers, city officers, and officers of school districts and all other political subdivisions shall also be subject to removal under this Act in the same manner as county officers are removable, and the district courts of this State shall have jurisdiction to try all such actions. Actions brought in the district court shall be prosecuted in the same manner as is provided in Section 3 of this Act, and other counsel may be appointed and compensated as therein provided.

Sec. 5. Chapter 337, Acts of the Regular Session of the 51st Legislature, 1949, is hereby repealed.

Sec. 6. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Sec. 7. The fact that there is such flagrant violation of the laws in regard to the publishing of legal notices and financial statements by the public officials in this State and that there is no adequate law to secure observation of publications requirements creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended, and said rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

The committee amendment was adopted.

On motion of Senator Smith and by unanimous consent the caption was

amended to conform to the body of the bill as amended.

The bill as amended passed to engrossment.

#### Senate Bill 55 on Third Reading

Senator Smith moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that Senate Bill No. 55 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Martin
Ashley	Moffett
Bracewell	Moore
Bradshaw	Owen
Colson	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood
Lock	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### Senate Bill 306 on Second Reading

On motion of Senator Aikin and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 306, A bill to be entitled "An Act authorizing independent school districts to borrow money for current maintenance expenses; providing for the method of evidencing such loans by the issuance of negotiable notes; prescribing the conditions under which such notes may be issued; enacting other provisions related to the subject; and declaring an emergency."

The bill was read second time.

Senator Hardeman offered the following amendment to the bill:

Amend Senate Bill 306, by adding a new Section to be known as Section 4 A, to read as follows:

"This Act is cumulative of and is not intended to replace or impair the provisions of the Acts of 1934, Forty-third Legislature, Fourth Called Session, page 34, Chapter 9, Section 1, codified as Article 2827, V.A.R.C.S. of Texas.

The amendment was adopted.

On motion of Senator Aikin and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended passed to engrossment.

#### Senate Bill 306 on Third Reading

Senator Aikin moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 306 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—31

Aikin	Martin
Ashley	Moffett
Bracewell	Moore
Bradshaw	Owen
Colson	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood
Lock	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

#### Yeas—30

Aikin	Fly
Ashley	Fuller
Bracewell	Gonzalez
Colson	Hardeman

Hazlewood	Parkhouse
Herring	Phillips
Hudson	Ratliff
Kazen	Reagan
Krueger	Roberts
Lane	Rogers
Lock	Secrest
Martin	Smith
Moffett	Weinert
Moore	Willis
Owen	Wood

#### Nays—1

Bradshaw

#### Senate Bill 110 with House Amendments

Senator Hazlewood called S. B. No. 110 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Hazlewood moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

#### Yeas—30

Aikin	Martin
Ashley	Moffett
Bradshaw	Moore
Colson	Owen
Fly	Parkhouse
Fuller	Phillips
Gonzalez	Ratliff
Hardeman	Reagan
Hazlewood	Roberts
Herring	Rogers
Hudson	Secrest
Kazen	Smith
Krueger	Weinert
Lane	Willis
Lock	Wood

#### Absent

Bracewell

#### Message from the House

Hall of the House of Representatives,  
Austin, Texas,  
April 16, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 18, A bill to be entitled "An Act to more adequately provide for the effective regulation of traffic on highways for the purpose of improving traffic safety and the facilitation of vehicular traffic upon the roads of this State; to amend and reenact as amended Section 8 of Senate Bill No. 11, Chapter 42, Acts of the Forty-first Legislature, Second Called Session, 1929, as amended by Section 9 of House Bill No. 336, Chapter 282, Acts of the Forty-second Legislature, Regular Session, 1931, as amended by Section 1 of House Bill No. 1074, Chapter 506, Acts of the Forty-seventh Legislature, Regular Session, 1941, as amended by House Bill No. 458, Chapter 346, Acts of the Fifty-second Legislature, Regular Session, 1951, as amended by Senate Bill No. 226, Chapter 488, Acts of the Fifty-fourth Legislature, Regular Session, 1955, codified as Article 827a, Section 8, of Vernon's Penal Code of Texas, to provide fixed speed limits for vehicle classifications at certain locations and at different hours of the day and night and to provide that speed in excess of such limits, in such locations, by the prescribed classification of vehicle and at the prescribed hours shall be unlawful; etc. . . .; and declaring an emergency."

H. B. No. 65, A bill to be entitled "An Act to provide local option elections to determine continuance or abolition of a dual school system in each public school district in the State of Texas; requiring continuance of such dual school system until abolishment thereof be authorized by prior vote of the qualified electors in a school district; providing that a dual system may be maintained by arrangements for transfer and the educating of children in other public school districts; and declaring an emergency."

H. B. No. 179, A bill to be entitled "An Act to facilitate the construction, maintenance and operation of State Highways; to amend Title 116, Chapter 1, Revised Civil Statutes of Texas, of 1925, as amended, by adding thereto a new article; declaring the Legislature's mandate that more and better State Highways particularly of the controlled access type, be laid out and constructed, and to provide necessary powers thereto as specified herein; empowering the State

Highway Commission in exercising powers within corporate limits and qualifying the exclusive dominion of incorporated cities, towns and villages within certain limits; and declaring an emergency."

H. B. No. 50, A bill to be entitled "An Act amending Section 1 of Chapter 10, General Laws of the Forty-second Legislature, Regular Session, 1931, codified as Article 1268a of Vernon's Texas Penal Code, so as to enlarge the offense defined therein to include threats for the purpose or with the view of extorting money or anything of value from the person threatened or from any other person; and declaring an emergency."

H. B. No. 63, A bill to be entitled "An Act amending Section 37 of the Certificate of Title Act (Section 37 of Article 1436-1, Vernon's Texas Penal Code), relating to surrender of certificates of title on junked, dismantled, or changed motor vehicles and to procurement of certificates of title on rebuilt or assembled motor vehicles, by making further provisions relative to surrender of certificates of title and by providing a new penalty for violation of the section; repealing conflicting laws; and declaring an emergency."

H. B. No. 93, A bill to be entitled "An Act relating to the construction, acquisition and operation of automotive parking stations by cities and towns having a population of not less than 90,000 nor more than 300,000 (herein called "Eligible Cities"), and providing for the financing thereof; providing that Eligible Cities may own and operate or own and lease to others for operation, such parking stations; authorizing such cities to issue negotiable revenue bonds to be secured by pledge of net revenue from operation of parking stations and within the discretion of such cities from parking meters and within the discretion of any such cities by a deed of trust on such parking stations with operating franchise to purchaser thereunder, authorizing the issuance of bonds payable from ad valorem taxes, authorizing bonds secured by and payable from taxes and the revenues from the project or projects; providing that such bonds cannot be issued without opportunity for referendum election but that election may, in the discretion of the govern-



ing body, be ordered without a referendum election; authorizing issuance of refunding bonds without election or provision for referendum; requiring approval of bonds by Attorney General in the manner and with the effect provided in Articles 709 to 715, inclusive, Revised Civil Statutes; creating a lien upon unexpended proceeds of bonds; authorizing banks and trust companies to act as depositories for proceeds of bonds and for revenues from operating or leasing parking stations, and to secure such funds; authorizing recital in bonds of compliance with this Act and prescribing effect thereof; exempting bonds from certain taxes; conferring right of eminent domain; authorizing creation of Boards of Trustees to manage and control such parking stations; validating certain actions and proceedings heretofore taken by Eligible Cities in connection with the construction of such parking stations; containing a severability provision; enacting other provisions relating to this subject; and declaring an emergency."

Respectfully submitted,

DOROTHY HALLMAN,  
Chief Clerk, House of Representatives.

#### Senate Bill 191 on Second Reading

On motion of Senator Lock and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 191, A bill to be entitled "An Act to amend Article 21.21 of Chapter Twenty-one of the Insurance Code (Acts 1909, p. 192 as amended by Acts 1929, 41st Legislature, 1st Called Session, p. 5, Chapter 3, Section 1) so as to provide authority for the regulation of unfair methods of competition and unfair deceptive acts and practices in the business of insurance; to provide penalties for violations of provisions hereof; and declaring an emergency."

The bill was read second time.

Senator Lock offered the following committee amendment to the bill:

Amend Section 9 of Senate Bill 191 by striking out all of the said Section 9, and inserting in lieu thereof a new section to be numbered "Sec-

tion 9," and reading and providing as follows:

"Section 9. Certain words prohibited from appearing on policies of insurance.

"(a) Notwithstanding any other provision of the Insurance Code (Acts 1951, 52nd Leg., p. 868, Ch. 491) to the contrary, it is hereby declared to be unlawful for any policy of insurance issued by any company engaged in the business of life, accident or health insurance to issue or deliver in this State a policy containing the words 'Approved by the Board of Insurance Commissioners,' or words of a similar import or nature."

The committee amendment was adopted.

Senator Lock offered the following committee amendment to the bill:

Amend Subsection 6 of Section 4 of Senate Bill 191 by adding immediately following the "period" following the word "insurance," the following:

"Provided, however, that nothing in this Subsection shall be construed as prohibiting the issuing or delivery of participating life insurance policies otherwise authorized by law."

The committee amendment was adopted.

On motion of Senator Lock and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

#### Senate Bill 191 on Third Reading

Senator Lock moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that Senate Bill No. 191 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Gonzalez
Ashley	Hardeman
Bracewell	Hazlewood
Bradshaw	Herring
Colson	Hudson
Fly	Kazen
Fuller	Krueger

Lane	Reagan
Lock	Roberts
Martin	Rogers
Moffett	Secrest
Moore	Smith
Parkhouse	Weinert
Phillips	Willis
Ratliff	Wood

Absent

Owen

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—31

Aikin	Martin
Ashley	Moffett
Bracewell	Moore
Bradshaw	Owen
Colson	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood
Lock	

**Senate Bill 450 on Second Reading**

On motion of Senator Phillips and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 450, A bill to be entitled "An Act authorizing the creation of Public Hospital Districts by the Commissioners Courts; providing for a petition by the qualified taxpaying voters defining said districts and requesting the issuance of bonds and the levying of a tax for the payment thereof; providing for a deposit to be made for holding elections in connection therewith; providing for a hearing before the Commissioners Court prior to said election or elections; etc., and declaring an emergency."

The bill was read second time and passed to engrossment.

**Senate Bill 450 on Third Reading**

Senator Phillips moved that the Constitutional rule requiring bills to be read on three several days be suspended and that Senate Bill No. 450 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Martin
Bracewell	Moffett
Bradshaw	Owen
Colson	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood
Lock	

Absent

Ashley                      Moore

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—31

Aikin	Martin
Ashley	Moffett
Bracewell	Moore
Bradshaw	Owen
Colson	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood
Lock	

**Senate Bill 268 on Second Reading**

On motion of Senator Owen and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 268, A bill to be entitled "An Act to amend Section 5 of Chapter 42, Acts of the 41st Legislature, Second Called Session, as last amended by Chapter 162, Acts of the 49th Legislature, Regular Session, by the addition thereto a new Section 5a, to increase the maximum load limit on certain type commercial motor vehicles from forty-eight thousand (48,000) pounds to fifty-eight thousand (58,000) pounds where such vehicles are used for a specialized purpose and within a specified area; repealing all laws in conflict herewith; and declaring an emergency."

The bill was read second time.

Senator Owen offered the following committee amendment to the bill:

Amend Senate Bill 268 by striking out all below the Enacting Clause and substituting in lieu thereof the following:

Section 1. Section 5 of Chapter 42, Acts of the 41st Legislature, Second Called Session, as last amended by Chapter 162, Acts of the 49th Legislature (codified by Vernon as Texas Penal Code, Article 827a, Section 5) is hereby amended by adding thereto a Section 5a which shall read as follows:

"Section 5a. Notwithstanding other provisions of the statutes governing the weight of motor vehicles which may be operated over, on, and upon the highways and roads of this state, it shall be lawful to operate motor vehicles whose total gross weight shall not exceed fifty-eight thousand (58,000) pounds, where such vehicles comply with all other provisions of law excepting only as to their total gross weight and the limitations of weight on axle or group of axles, where such vehicles are used exclusively for transporting fixed load oil field service equipment used in connection with servicing oil and gas wells from the point of origin to well location not more than fifty (50) highway miles distant from such origin."

"Section 2. All laws or parts of laws in conflict with the provisions of this Act are hereby repealed to the extent of the conflict only, provided only that this Act shall not be effective as long as it prevents the receipt of Federal Aid Funds provided for in the Federal Aid Highway Act of 1956, Title I of Act, June 29, 1956."

Section 3. The fact that the present load limit on commercial motor vehicles seriously impairs the use of the specialized type of oil field service equipment and the availability of the service of such equipment as herein authorized, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The committee amendment was adopted.

On motion of Senator Owen and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

#### Senate Bill 268 on Third Reading

Senator Owen moved that the constitutional rule requiring bills to be read on three several days be suspended and that Senate Bill No. 268 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—27

Aikin	Lock
Ashley	Moffett
Bracewell	Owen
Bradshaw	Parkhouse
Colson	Phillips
Fly	Ratliff
Fuller	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

#### Nays—1

Martin

#### Absent

Gonzalez	Smith
Moore	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—28

Aikin	Lock
Ashley	Moffett
Bracewell	Owen
Bradshaw	Parkhouse
Colson	Phillips
Fly	Ratliff
Fuller	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood

## Nays—1

Martin

## Absent

Gonzalez                  Moore

## Message from the House

Hall of the House of Representatives,  
Austin, Texas,  
April 16, 1957.

Hon. Ben Ramsey, President of the Senate:

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 229, A bill to be entitled "An Act to apportion the State of Texas into Congressional Districts, naming the Counties and parts thereof composing the same, and providing for the election of a member of the Congress of the United States from each district, repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

The House has granted the request of the Senate for the appointment of a Conference Committee on Senate Bill No. 154.

The House has appointed the following Conference Committee on S. B. No. 154: Lee, de La Garza, Moore of Tarrant, Bullock, and Ehrle.

Respectfully submitted,

DOROTHY HALLMAN,  
Chief Clerk, House of Representatives.

Senate Joint Resolution 1 on  
Second Reading

Senator Parkhouse asked unani-

mous consent to suspend the regular order of business and take up S. J. R. No. 1 for consideration at this time.

There was objection.

Senator Parkhouse then moved to suspend the regular order of business and take up S. J. R. No. 1 for consideration at this time.

The motion prevailed by the following vote:

## Yeas—26

Aikin	Krueger
Ashley	Martin
Bracewell	Owen
Bradshaw	Parkhouse
Colson	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Willis
Kazen	Wood

## Nays—4

Lane	Moffett
Lock	Weinert

## Absent

Moore

The President laid before the Senate on its second reading and passage to engrossment:

S. J. R. No. 1, Proposing an amendment to the Constitution of Texas by adding to Section 59 of Article XVI thereof a new subdivision authorizing the Legislature to provide for the collection and expenditure of fees not to exceed stated rates for the right to divert or use certain waters to provide for financing a state program for conserving and developing water resources, and to make appropriations of such fees for more than two years.

The resolution was read second time.

Senator Parkhouse offered the following committee amendment to the resolution.

Amend S. J. R. No. 1 by striking out Section 1 thereof, and inserting the following:

Section 1. That Article III of the Constitution of Texas be amended by adding a new section thereto to be known as Section 52-c, as follows:

"Section 52-c: There is hereby created, as an agency of the State of Texas, The Texas Water Development Board to be composed of three members who shall be appointed by the Governor with the advice and consent of the Senate in the manner, for such terms, and with such additional financial duties, as may be prescribed by law.

"The Texas Water Development Board shall have the authority to provide for, issue and sell general obligation bonds of the State of Texas in an amount not to exceed \$100,000,000. The Legislature of Texas, upon two-thirds (2/3) vote of the elected members of each House, may authorize the Board to issue bonds in an additional amount not exceeding \$100,000,000. The bonds herein authorized or permitted to be authorized by the Legislature shall be called "Texas Water Conservation Bonds," shall be executed by the Board in such form, denominations and upon such terms as may be prescribed by law, provided, however, that the bonds shall not bear more than four per cent (4%) interest per annum; they may be issued in such installments as the Board finds feasible and practical in accomplishing the purpose of this amendment.

"All moneys received from the sale of State bonds shall be deposited in a fund hereby created in the State Treasury to be known as the Texas Water Conservation Fund to be administered (without further appropriation) by The Texas Water Development Board in such manner as prescribed by law. Such Fund shall be used only for the purpose of acquiring and maintaining, in the name of the State of Texas, conservation storage in reservoirs created by dams or structures heretofore or hereafter constructed by the government of the United States, any political subdivision of the State or any agency or instrumentality of either of them, or the Board may deliver its bonds as payment for such storage.

"The Legislature of Texas shall provide terms and conditions for The Texas Water Development Board to sell and not otherwise dispose of the water impounded or water storage space or both at prices representing the direct cost incurred by the Board

in acquiring same. (Direct cost shall mean the proportion of principal and accrued interest costs of the State attributable to that portion of the water storage space or to water sold to the principal and accrued interest cost of the State for the project of which it is a part.) The Board of Water Engineers, or its successor, shall certify that the applicant has the right to impound, take or store water or acquire water storage space in accordance with the laws of the State of Texas then in existence, and such certification shall be a condition precedent to the sale of such facilities or water by the Board. The Legislature shall provide for the establishment of the Texas Water Conservation Bonds Interest & Sinking Fund and the Texas Water Conservation Bonds Redemption Fund within the State Treasury. The proceeds from the sale of water shall be deposited in the Interest & Sinking Fund and the proceeds from the sale of water storage space shall be deposited in the Redemption Fund to be used to retire bonds prior to their maturity.

"While any of the bonds authorized by this Constitution or while any of the bonds that may be authorized by the Legislature under this Constitution, or any interest on any of such bonds is outstanding and unpaid, there is hereby appropriated out of the first moneys coming into the Treasury in each fiscal year, not otherwise appropriated by this Constitution, an amount which is sufficient to pay the principal and interest on such bonds that mature or become due during such fiscal year less the amount in the Interest & Sinking Fund on August 31st of the prior fiscal year.

"The Legislature shall provide for the investment of all funds administered by the Board.

"All bonds issued hereunder shall, after approval by the Attorney General, registration by the Comptroller of Public Accounts of the State of Texas, and delivery to the purchasers, be incontestible and shall constitute general obligations of the State under the Constitution of Texas.

"Should the Legislature enact enabling laws in anticipation of the adoption of this amendment, such acts shall not be void by reason of their anticipatory character."

The committee amendment was read.

Senator Fly offered the following amendment to the committee amendment:

Amend Section 1 of Committee Amendment No. 1 of S. J. R. No. 1 by striking out the first sentence of said section and inserting in lieu thereof the following:

"There is hereby created, as an agency of the State of Texas, the Texas Water Development Board to exercise such powers as necessary under this provision together with such other duties and restrictions as may be prescribed by law. The qualifications, compensation, and number of members of said Board shall be determined by law. They shall be appointed by the Governor with the advice and consent of the Senate in the manner and for such terms as may be prescribed by law; provided however, that the Board herein created shall be the same as the Board created by H. J. R. 3 should both amendments become effective."

The amendment to the committee amendment was adopted.

Senator Fly offered the following amendment to the committee amendment:

Amend Section 1 of Committee Amendment No. 1 of S. J. R. 1 by striking out the following language: "there is hereby appropriated out of the first moneys coming into the Treasury in each fiscal year, not otherwise appropriated by this Constitution" and inserting in lieu of such language the following:

"the Legislature shall appropriate"

The amendment to the committee amendment was adopted.

Question — Shall the committee amendment to S. J. R. No. 1 be adopted?

**Vote on House Concurrent Resolution 87 Reconsidered**

On motion of Senator Rogers and by unanimous consent the vote by which H. C. R. No. 87 was adopted on yesterday was reconsidered.

The President then laid H. C. R. No. 87 before the Senate for consideration.

Senator Rogers offered the following amendment to the resolution:

Amend H. C. R. No. 87 by chang-

ing the word "reappropriation" to "reappropriated" and the word "appropriation" to "appropriated" wherever they occur in the resolution.

The amendment was adopted.

The resolution as amended was then adopted.

#### Conference Committee on Senate Bill 154

The President announced the appointment of the following as a Conference Committee on the part of the Senate on S. B. No. 154:

Senators Martin, Moffett, Lane, Hardeman and Ashley.

#### Adjournment

On motion of Senator Hardeman the Senate at 5:28 o'clock p.m. adjourned until 10:30 o'clock a.m. tomorrow.

#### FIFTY-FIFTH DAY

(Wednesday, April 17, 1957)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Martin
Ashley	Moffett
Bracewell	Moore
Bradshaw	Owen
Colson	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood
Lock	

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

#### Reports of Standing Committees

Senator Bracewell submitted the following reports: